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REMARKS

Applicant wishes to thank, Mr. Jacques Louis-Jacques, for his assistance on August 10, 2006 in furthering prosecution on the merits of the present application.

Claims 1-12, 15 and 16 have been withdrawn from consideration. Claims 13 and 14 are currently pending, with claim 13 being the sole independent claim. Claim 13 has been amended. Claims 19-21 have been canceled. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

Independent claim 13 has been amended to recite the limitation "said authentication value and said first reference value determining whether the received data has changed during transmission over the network". In this amendment, the words --to determine-- were replaced by the word "determining". Therefore, the foregoing amendment does not present a new issue that would require further consideration and/or search.

The Advisory Office Action (pg. 1) states:

The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because ... they raise new issues that would require further consideration and/or search....

Note: The amendment introduces new 112 issues.

With respect to the foregoing, the Examiner has indicated that 112 issues have been raised by Applicant's amendments, but has failed to provide specific details with respect to the alleged 112 issues. Clarification from the Examiner with respect to this issue is respectfully requested.

In the Office Action dated May 12, 2006, independent claims 13 and 14 were rejected under 35 U.S.C. §101 as inoperative and, thus lacking utility. For the following reason, reconsideration and withdrawal of the rejection is respectfully requested.

The Examiner has stated, "The receiver merely receives data and compares values. There is no result from the comparison or the claimed operations. The added limitation 'to determine' is claiming intended use, but does not disclose a tangible result".

Applicant has amended independent claim 13 to recite the limitation "said authentication value and said first reference value determining whether the received data has changed during transmission over the network". Support for this amendment may be found, for example, at pg. 6, lines 25-27. The result achieved is from the authentication value and the first reference value. Together, these values determine whether the received data has changed during transmission over the network. Consequently, independent claim 13, as amended, provides a result from the

comparison or claimed operations and is, therefore, statutory. Reconsideration and withdrawal of the rejection under 35 U.S.C. §101 are in order, and a notice to that effect is requested.

In the Office Action dated May 12, 2006, independent claim 13, and dependent claim 14 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,694,471 ("*Chen*"). For the following reasons, reconsideration and withdrawal of this rejection is respectfully requested.

The Office Action (pg. 3, paragraph 5) states:

Chen discloses a receiver for receiving data (column 9 lines 42-49) **over a telecommunications network (column 6 lines 35-46)** including, means for deriving a first reference value from the received data (issuer data, column 9, lines 50-55), means for calculating an error check value from the received data (another checksum, column 9 lines 64-67), means for deriving an authentication value for the received data (composite, column 9 lines 56-62), means for calculating a second reference value (recovered checksum, column 9 lines 62-64) at least partly based on the authentication value and the first reference value (issuer data), and means for comparing the second reference value with the error check value (column 10 lines 2-11). (Emphasis Added).

Chen fails to teach the invention recited in amended independent claim 13. *Chen* (col. 6, lines 35-44) states, "aside from the serial number, the integrated circuit 2 of the preferred card 1 must simply provide sufficient memory for storing issuer information, a digital signature, an issuer identification number, a public key, and the user's personal identification number (which is to be distinguished from the user's password, as will be described below), and thus the preferred system can easily use the type of conventional IC card already in widespread use, particularly in Europe and Japan, for such purposes as "phonecards" for operating public telephones". *Chen* (col. 6, lines 44-46) further states, "storing image information such as a photograph requires a higher memory, but well within the reach of conventional technology". Thus, *Chen* teaches that certain features of intelligent, memory-equipped cards are associated with "phonecards" for operating telephones.

However, *Chen* fails to teach that any information that is stored on the phonecard is transmitted directly from the phonecard over any communications network. *Chen* is only directed to providing a method for performing a local check to determine whether a data carrier inserted into a reading device is genuine or fake. Even assuming *arguendo* that a public telephone device could use the method disclosed in *Chen* to perform a check to determine whether the user inserted a genuine phonecard or an illegally produced copy into the device for

making a call, *Chen* would still fail to teach the present claimed invention. *Chen* provides nothing more beyond teaching that the information is locally exchanged between a physical data carrier and a reader device that reads the physical data carrier.

The Advisory Office Action (pg. 2) states:

The request for reconsideration has been considered but does NOT place the application in condition for allowance because: *Chen* discloses using his system on phone cards, and also discloses that it is common to do authentication over communications networks (column 1 lines 36-40).

With respect to the foregoing, *Chen* fails to teach the claimed invention recited in amended independent claim 13. *Chen* (col. 1, lines 31-35) teaches public key-private key and other cryptographic systems. *Chen* (col. 1, lines 36-40) states, "such cryptosystems are conventionally implemented through the use of organizations known as key servers which protect the private key on behalf of a requester and communicate with the requester by means of a secured communications link". However, there is nothing here with respect to the "means for calculating an error check value from the data received over the telecommunications network ... and means for deriving an authentication value for the data received over the telecommunications network ... [where the] authentication value and [the] first reference value [determine] whether the received data has changed during transmission over the network," as recited in amended independent claim 13. Rather, *Chen* (col. 1, lines 40-51) states, "a server supplies a requester with a public key which cannot be deduced from the private key but which is related to the public key to permit anyone with access to the public key to decipher the information enciphered with the private key". *Chen* thus teaches that algorithms are available to key servers which make the process of calculating the private key from the public key virtually impossible using presently available computing technology.

However, *Chen* fails to teach "a receiver for receiving data from a transmitter over a telecommunications network, the receiver ... having [at least] means for checking received data ... comprising ... means for deriving a first reference value from the data received over the telecommunications network ... means for calculating an error check value from the data received over the telecommunications network ... and means for deriving an authentication value for the data received over the telecommunications network ... [where the] authentication value and [the] first reference value [determine] whether the received data has changed during transmission over the network," as recited in amended independent claim 13.

Applicant respectfully asserts that independent claim 13 is patentable over *Chen* and thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are in order, and a notice to that effect is earnestly solicited.

In view of the patentability of amended independent claim 13, for the reasons set forth above, dependent claim 14 is patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,
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